

**CITY OF CORAL GABLES, FLORIDA**

**ORDINANCE NO. 2022-\_\_**

AN ORDINANCE OF THE CITY OF CORAL GABLES, FLORIDA, AMENDING THE CITY OF CORAL GABLES ZONING CODE ARTICLE 15 “NOTICES”, SECTION 15-104 “QUASI-JUDICIAL PROCEDURES” AND AMENDING SECTION 2-79 OF CHAPTER 2, ARTICLE III OF THE CITY CODE, TITLED “ORDER OF BUSINESS” TO CLARIFY DEFINITIONS OF DOCUMENTARY EVIDENCE, AND AMEND THE ORDER OF PRESENTATION FOR QUASI-JUDICIAL HEARINGS, PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, AND AN EFFECTIVE DATE

**WHEREAS**, the City Zoning Code contains provisions which govern submission deadlines for quasi-judicial hearings; and

**WHEREAS**, often times City staff or applicants wish to present demonstrative or visual aids, including PowerPoint presentations which repackage or duplicate information already timely submitted to the City; and

**WHEREAS**, the City wishes to amend the order of presentation for quasi-judicial hearings in the Zoning Code to allow for clearer presentations and provide continuity with the newly updated parallel City Code section; and

**WHEREAS**, in order to provide continuity between the Zoning Code and City Code provisions certain minor changes are proposed to the City Code;

**NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:**

**SECTION 1.** That the foregoing “**WHEREAS**” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

**SECTION 2.** That Article 15- Notices, Section 15-104 “Quasi-judicial procedures” of the City Code of Coral Gables Zoning Code be amended as follows<sup>1</sup>:

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<sup>1</sup> Deletions are indicated by ~~strikethrough~~. Insertions are indicated by underline.

#### **Section 15-104. Quasi-judicial procedures.**

- A. Purpose and applicability. The provisions of this Section apply to all quasi-judicial hearings held pursuant to these regulations.
- B. Order of presentation. Quasi-judicial hearings shall be conducted generally in accordance with the following order of presentation:
1. Disclosure of ex parte communications and personal investigations.
  2. ~~Presentation by City Staff~~ Presentation by the applicant.
  3. ~~Presentation by the applicant~~ Presentation by City Staff.
  4. Public comment. ~~in favor of the application.~~
  5. ~~Public comment in opposition to the application.~~
  6. ~~Cross examination by City Staff.~~
  7. ~~Cross examination by applicant.~~
  8. ~~Cross-examination by decision-making body.~~
  9. Motion by decision-making body with explanation of positions of negative or denial.
  10. Discussion among members of decision-making body.
  11. Action by decision-making body and entry of specific findings.

This order of presentation may be modified by the agreement of all parties or by the chair.

- C. Submission of evidence. Copies of all documentary evidence and written summaries of expert testimony to be presented in a quasi-judicial proceeding shall be submitted to the City Clerk at least five (5) days prior to the date of any hearing. In the event that documentary evidence is proffered at a public hearing which was not submitted to the City Clerk in accordance with this subsection, the body conducting the quasi-judicial proceeding shall, at the request of the City Manager or other party, grant a reasonable continuance to allow for an opportunity to review and respond to the evidence which was not submitted to the City Clerk as required in this subsection. Documentary evidence shall not include demonstrative or visual aids, visual presentations (i.e. PowerPoint presentations), or other supplemental information that is substantially duplicative of information already timely submitted in accordance with this section.

**SECTION 3.** That Chapter 2, Article III- Boards and Committees of the City Code of Coral Gables, Florida, Section 2-79 be amended as follows<sup>2</sup>:

**Sec. 2-79. Order of business.**

(a) *Official agenda.* There shall be an official agenda for every meeting of the commission, which shall determine the order of business conducted at the meeting. All proceedings and the order of business at all meetings of the commission shall be conducted in accordance with the official agenda.

(b) *Agenda form; availability; support information.* The agenda shall be prepared by the city clerk in appropriate form approved by the commission. The city clerk shall make available to the commissioners a copy of the agenda before the meeting. Absent an emergency, all support information for agenda items shall be available no later than three (3) calendar days before the regular meeting, except where other dates are required by state statute or in connection with quasi-judicial hearings which are governed by subsection (m) below. If the support information is not available, the agenda item shall be removed from the agenda and considered at a later meeting. Support information shall not include demonstrative or visual aids, visual presentations (i.e. PowerPoint presentations), or other supplemental information that is substantially duplicative of information already timely submitted in accordance with this section or subsection (m). Consistent with the timeframe requirements as set forth in this subsection, the following shall be posted on the Internet, to the extent possible:

- (1) "The City Commission Agenda," simultaneous with its distribution;
- (2) The supplemental agenda, and any other information related to the upcoming agenda simultaneous with its distribution;
- (3) The city clerk's report and annotation to the agenda immediately after its release by the city clerk, subsequent to the city commission meeting to which it applies.

(c) *Agenda format for regular meeting.* The agenda format for a regular commission meeting shall be in substantially the form as set forth below:

- (1) Call to order, invocation, and pledge of allegiance;
- (2) Presentations and proclamations;
- (3) Open public comment;
- (4) Approval of minutes;

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<sup>2</sup> Deletions are indicated by ~~strikethrough~~. Insertions are indicated by underline.

- (5) Consent agenda;
- (6) Scheduled public hearings;
- (7) City commission items;
- (8) Boards and committee items;
- (9) City manager items;
- (10) City attorney items;
- (11) City clerk items;
- (12) General discussion—commissioners;
- (13) Adjournment.

(d) *Consent agenda.* On the portion of the agenda designated as "consent," all items contained therein may be voted on with one motion. Consent items are considered to be routine in nature, are typically non-controversial and do not deviate from past commission direction or policy. However, any commissioner, the city manager, the city attorney, the city clerk, or, at the request of a member of the public if approved by the chairperson, may withdraw an item from the consent agenda, and it shall then be voted on individually.

(e) *Open public comment.*

(1) An opportunity for open public comment shall be provided at every City Commission meeting. During this portion of the meeting, an individual may address the city commission on an item that is on the agenda or on a matter which is not on the agenda, but within the scope of the city commission's jurisdiction. If the individual wishes to address the city commission on an item that is on the agenda, the individual shall not be given an opportunity to speak again once the item is called. The city commission shall take no action on items that are not on the agenda. An individual who wishes to speak during a public hearing where the city commission is sitting in a quasi-judicial capacity, must speak during the public hearing for that item.

(2) Individuals who speak during the open public comment portion of the meeting shall be given three minutes during which to address the city commission. That amount of time may be extended by the mayor, as chair of the city commission. At the conclusion of one hour, if the open public comment section of the meeting has not ended, it shall end automatically, in order to proceed with the rest of the agenda. Once the open public comment section of the meeting is closed, it shall not be re-opened.

(3) An individual addressing the city commission shall state the following, prior to beginning his/her comments:

- a. Name;
- b. Address;
- c. Whether the individual is speaking on his/her own behalf, on behalf of a group of persons, or a third party, or if the person represents an organization.

(4) An individual addressing the city commission shall comply with the city's Civility Code, as adopted in Resolution No. 2016-279, in addition to all other applicable rules of decorum, including sections 2-78 and 2-83 of the city Code.

(5) The city clerk may establish procedures necessary to ensure the orderly conduct of business during the commission meeting, which may include the requirement that speakers fill out speaker cards prior to being recognized during the open public comment portion of the city commission meeting.

(f) *Scheduled public hearings.* Public hearings shall be held as required to receive public comments on matters of special importance or as prescribed by law. For regular commission meetings, public hearings shall be heard no earlier than 9:00 a.m. Individual speakers are encouraged to adhere to a three-minute time limit when speaking on issues scheduled for public hearing. The chairperson has the discretion to either extend or reduce time limits, based on the number of speakers and to set items as time certain.

(g) *Discussion items by commissioners.* During the portion of the agenda designated as "discussion items by commissioners," assignments shall be given to the city manager, city attorney or city clerk unless objected to by a majority of the commission. The commission shall take no policy action without an agenda item unless such is accomplished through a unanimous vote of the commission.

(h) *Departure from order of business.* Any departure from the order of business set forth in the official agenda shall be made only upon determination of the chairperson or a majority vote of the members of the commission present at the meeting. Except that public comment can only be taken out of order by a majority vote of the city commission.

(i) *Placing items on agenda.* Any member of the commission, the city manager, the city attorney, or the city clerk may place an item on the agenda.

(j) *Additions, deletions, or corrections to agenda.* Deletions or corrections to the agenda may be considered by the commission and adopted by the passage of a single motion. Non-agenda matters shall be confined to items that are informational only. Add-on agenda items (items that missed the deadline for agenda preparation for the meeting) should be considered by the

commission only in exigent circumstances, for issues that are time critical or cost sensitive to the city. For such matters, the city manager and city attorney should be consulted in advance of the meeting. If the add-on agenda item is approved by the city manager, the add-on agenda item shall be placed on the agenda, and the agenda coordinator should modify and reprint the agenda table of contents for redistribution to all persons who receive the initial agendas. Furthermore, the city's web site should be updated to reflect the new agenda. For matters of extreme emergency, a special meeting of the commission may be called in accordance with the provisions of the Charter, upon adequate notice being provided under F.S. § 286.011.

(k) *Announcing agenda items.* The chairperson shall announce each item on the agenda. The city manager, city attorney or city clerk, or their designees, as appropriate, shall then present the item to the commission.

(l) *Quasi-Judicial hearing order of presentation.* Quasi-judicial hearings shall be conducted generally in accordance with the following order of presentation:

1. Disclosure of ex parte communications and personal investigations.
2. Presentation by the applicant.
3. Presentation by City Staff
4. Public comment in favor of the application.
5. ~~Public comment in opposition to the application.~~
6. ~~Cross-examination by City Staff.~~
7. ~~Cross-examination by applicant.~~
8. Cross-examination by decision-making body.
9. Motion by decision-making body with explanation of positions of negative or denial.
10. Discussion among members of decision-making body.
11. Action by decision-making body and entry of specific findings.

This order of presentation may be modified by the agreement of all parties or by the chair.

(m) *Submission of evidence for quasi-judicial hearings.* Copies of all documentary evidence and written summaries of expert testimony to be presented in a quasi-judicial proceeding shall be submitted to the City Clerk at least five (5) days prior to the date of any hearing. In the event that documentary evidence is proffered at a public hearing which was not submitted to the City Clerk in accordance with this subsection, the chair shall, at the request of the City Manager

or other party, grant a reasonable continuance to allow for an opportunity to review and respond to the evidence which was not submitted to the City Clerk as required in this subsection.

**SECTION 4.** All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 5.** If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

**SECTION 6.** It is the intention of the Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made part of the City of Coral Gables Zoning Code and the Coral Gables City Code and that the sections of this “ordinance” may be changed to “section”, “article”, or such other appropriate word or phrase in order to accomplish such intentions.

**SECTION 7.** If the Zoning Code or the City Code of the City of Coral Gables Tables of Contents or other reference portions is affected by these provisions, then changes are approved as a part of this Ordinance.

**SECTION 8.** This Ordinance shall become effective immediately upon passage.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 2022.

APPROVED:

VINCE LAGO

MAYOR

ATTEST:

BILLY Y. URQUIA

CITY CLERK

APPROVED AS TO FORM

AND LEGAL SUFFICIENCY:

MIRIAM SOLER RAMOS

CITY ATTORNEY